

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARC FISHMAN, INDIVIDUALLY, and on behalf
of all others similarly situated

Plaintiff,

– against –

Office of Court Administration New York State
Courts, Judge Michelle I. Schauer in her
administrative and official capacity, Nancy J. Barry,
District Executive 9th District NY Courts in her
administrative and official capacity, Dan Weisz,
Professional Director In his administrative and
official capacity New York Courts, Michelle
D'ambrosio in her administrative and official
capacity, Magistrate Carol Jordan in Her
administrative and official capacity Capacity, Judge
Gordon Oliver in her Administrative and Official
Capacity and Judge Kathy Davidson, Chief
Administrative Judge 9th circuit and former Chief
Judge of the Westchester Family Court in her
administrative and official capacity and the New York
State Unified Court System, and Jude Hal Greenwald,
in his administrative and official capacity Judge Alan
Scheinkman in his administrative and official
capacity as Chief Administrative Judge of the 9th
Circuit courts

Defendants.

No. 18 Civ. 282 (KMK)

**NOTICE OF MICHELE
D'AMBROSIO'S MOTION TO DISMISS**

PLEASE TAKE NOTICE that upon the Declaration of Michael A. Berg dated May 23,
2019, the exhibits thereto, and the annexed Memorandum of Law in Support of Michele
D'Ambrosio's Motion to Dismiss, Defendant Michele D'Ambrosio will move this Court, before
the Honorable Kenneth M. Karas, at the Courthouse located at 300 Quarropas Street, White
Plains, New York 10601, at a date and time to be determined by the Court, for an order pursuant
to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing this action
against her in its entirety, with prejudice, for lack of subject matter jurisdiction, failure to state a

claim on which relief can be granted, and on grounds of judicial or quasi-judicial immunity, and for such other and further relief as the Court deems proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Order dated April 4, 2019 and electronically filed on April 5, 2019 (ECF No. 65), Plaintiff's opposition papers must be served on or before June 24, 2019.

Dated: New York, New York
May 23, 2019

LETITIA JAMES
Attorney General
State of New York
Attorney for Defendant
Michele D'Ambrosio

By:


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